



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during October 2010
DISTRIBUTED: January 3, 2011

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report. The full text of most Administrative Consent Agreements is available on the Board of Environmental Protection's website at <http://www.maine.gov/dep/bep/agenda.htm>.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Board of Environmental Protection and Office of the Attorney General (party followed by location):

Air:

U.S. Department of Veterans Affairs, Medical and Regional Office Center, Togus, Augusta, Maine. The U.S. Department of Veterans Affairs, Medical and Regional Office Center, Togus ("VA") violated provisions of its Department-issued air emission license and the Department's rule for *Source Surveillance* by failing to keep opacity data as required by the facility's license. To resolve the violation, the VA paid \$56,700 as a civil monetary penalty. A portion, \$4,400, of the total penalty, was paid to complete a supplemental environmental project consisting of retrofitting two VA heavy duty diesel vehicles with diesel oxidation catalysts to reduce particulate matter, carbon monoxide, and hydrocarbon emissions.

Hazardous Waste:

Metal Magic, Inc., Trenton, Maine. Metal Magic, Inc. ("Metal Magic") violated provisions of Maine's *Hazardous Waste, Septage and Solid Waste Management Act* by discharging hazardous waste paint to the floor of a storage trailer and failing to report the discharge and Maine's *Oil Discharge Prevention and Pollution Control* laws by discharging off road diesel onto the ground and failing to clean up or remove the discharge to the Department's satisfaction. In addition, Metal Magic violated provisions of the Department's rule concerning *Standards for Generators of Hazardous Waste* by: failing to determine if wastes generated were hazardous; failing to store hazardous waste in containers which are not leaking or rusted; failing to store containers of hazardous waste on a firm, impervious, and entire working surface to prevent spillage from leaving the area; and failing to keep containers of hazardous waste closed except when adding or removing waste. Following Department involvement, Metal Magic advised the Department of corrective actions undertaken including, but not limited to, conducting hazardous waste determinations, and arranging for the licensed disposal of 1,350 pounds of hazardous waste paint and paint related materials and 50 pounds of hazardous waste acid. To resolve the violations, Metal Magic agreed to submit documentation and certification of the clean up and disposal of oil contaminated soil and will pay \$1,000 as a civil monetary penalty pursuant to a payment plan.

Solid Waste:

Soil Preparation, Inc., Plymouth, Maine. Soil Preparation, Inc. ("Soil Preparation") violated provisions of the Department's *Solid Waste Management Rules: Processing Facilities* and the conditions of a Department-issued licensing order for processing septage and sewage sludges. Specifically, Soil Preparation: failed to store unprocessed sludge in accordance with license requirements; failed to divert sludge to alternate disposal facilities as required by the license; stored processed finished and stabilized sludge product in a manner which allowed its export from an approved asphalt storage pad to unlicensed locations; stored a volume of processed finished and stabilized sludge product in excess of license limits; allowed processed finished and stabilized sludge product and leachate to discharge to an unnamed stream and wetland; and stockpiled processed finished and stabilized sludge product in a



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during October 2010
DISTRIBUTED: January 3, 2011

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report. The full text of most Administrative Consent Agreements is available on the Board of Environmental Protection's website at <http://www.maine.gov/dep/bep/agenda.htm>.

wetland. Following Department involvement, Soil Preparation performed the following corrective actions: temporarily suspended delivery of dewatered sewage sludge; relocated processed finished and stabilized sludge product onto the approved storage pad or removed the material off site; surveyed and inventoried remaining processed finished and stabilized sludge product located on the licensed storage pad; reclaimed and temporarily stabilized two drainage diversions impacted by processed finished and stabilized sludge product and leachate discharged from the facility; implemented temporary measures to improve the collection and control of leachate at the facility; filed for a Maine Multi-Sector General Permit for Stormwater Associated with Industrial Activity; submitted a draft Stormwater Pollution Prevention Plan; submitted a draft Leachate Management plan, draft Comprehensive Site Inspection and Maintenance Plan, and a draft Environmental Monitoring Plan; submitted a report and survey reflecting the reduction of the amount of processed finished and stabilized sludge product to within license limits; filed reports for product deliveries reflecting additional processed finished and stabilized sludge product material removed from the site; filed monthly Discharge Monitoring Reports; pumped approximately 434,000 gallons of wastewater from a facility lagoon and transported the waste water offsite for disposal; improved and repaired berms; and dragged and removed sludge from another facility lagoon. To resolve the violations, Soil Preparation agreed to relocate processed finished and stabilized sludge product onto the storage pad or offsite in a manner consistent with licensed agronomic use or consistent with agronomic utilization regulations; submit completed plans for monitoring and mitigating the potential environmental impacts from the sludge and septage processing operation; complete final repairs to and stabilize structural surfaces, drainage diversions, and equipment for leachate collection and/or conveyance; maintain the volume of processed finished and stabilized sludge product located at the facility within approved license limits; and agreed to pay \$33,290 as a civil monetary penalty of which \$13,290 was suspended and will be permanently waived if Soil Preparation completes certain corrective actions as identified in the Agreement.

Water:

ISF Trading Company, Portland, Maine. ISF Trading Company ("ISF") violated provisions of a Department-issued wastewater discharge license related to the discharge of treated sea urchin processing and clean up wastewaters to the tidewaters of Portland Harbor. Specifically, ISF: failed to follow standard sampling methods for total residual chlorine samples; failed to analyze pH samples in accordance with standard methods; submitted a discharge monitoring report with numeric data entered for settleable solids when no settleable solids testing had been conducted for that month; and submitted late discharge monitoring reports. To resolve the violations, ISF agreed to ensure that testing for parameters identified in the wastewater discharge license are conducted in accordance with standard methods, report all compliance testing results in accordance with the wastewater discharge license and state law, and paid \$6,180 as a civil monetary penalty.